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805 Third Avenue  
New York, NY 10022, USA

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Fax: +1 212 759 9133  
www.bakernet.com

<b>Date</b>	January 18, 2005	<b>Phone</b>	<b>Fax</b>
<b>To</b>	Examiner Christopher Grant, Group Art Unit 2611, Mail Stop Amendment, USPTO		703-872-9306
<b>From</b>	Frank M. Gasparo	+1 212 891 3942	+1 212 310 1642
<b>Client/Matter No.</b>	50136509-4		
<b>Re</b>	Application no. 09/854,109		
<b>Pages (w/cover)</b>	55		

Please see the attached.

JAN 18 2005

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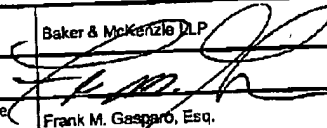
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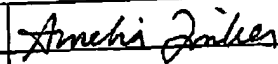
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<b>TRANSMITTAL FORM</b>  <small>(to be used for all correspondence after initial filing)</small>	Application Number	09/854,109
	Filing Date	5/11/2001
	First Named Inventor	Henry Ewan
	Art Unit	2811
	Examiner Name	GRANT, CHRISTOPHER
Total Number of Pages in This Submission	Attorney Docket Number	60136509-4

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): PTO/SB/06A and B forms; 3 references; copy of Supplementary Partial European Search Report.
Remarks This correspondence is being facsimile transmitted to the USPTO to 703-872-9306 on January 18, 2005.		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	Baker & McKenzie LLP	
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Printed name	Frank M. Gaspari, Esq.	
Date	January 18, 2005	Reg. No. 44,700

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Signature	
Typed or printed name	Amelia Flinker
Date	January 18, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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50136509-4

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Henry Ewen et al.  
Application No.: 09/854,109  
U.S. Filing Date: May 11, 2001  
Title: DATA TRANSMISSION SYSTEM AND METHOD  
Group Art Unit: 2611  
Examiner: GRANT, CHRISTOPHER  
Date: January 18, 2005

JAN 18 2005

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT****S I R:**

In accordance with the duty of disclosure under 37 C.F.R. § 1.56 and in conformance with the procedures of 37 C.F.R. §§ 1.97 and 1.98 and M.P.E.P. § 609, attorneys for Applicants hereby bring the following references, which are listed on the attached modified PTO Form No. PTO/SB/08A and PTO/SB/08B to the attention of the Examiner. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to

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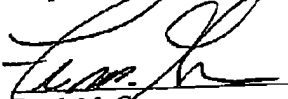
NYCDMS/434497.1

issue therefrom. A copy of the Supplementary Partial European Search Report which cites these references is enclosed. Copies of the references, except the U.S. Patents, are also enclosed.

This information disclosure statement is being filed under 37 C.F.R. § 1.97(b)(3), before the mailing date of a first Office action on the merits. Each item of information contained in this information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.

No fee is deemed necessary with the filing of these documents. If a fee is deemed necessary, we authorize the Commissioner of Patents and Trademarks to charge Deposit Account No.: 02-0393.

Respectfully submitted,



Frank M. Gasparo  
Registration No. 44,700  
BAKER & MCKENZIE  
805 Third Avenue  
New York, NY 10022  
(212) 751-5700 telephone  
(212) 759-9133 facsimile



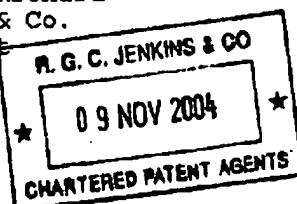
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☎ (070) 340 2040  
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recherche

Brown, Kenneth Richard  
R.G.C. Jenkins & Co.  
26 Caxton Street  
London SW1H 0RJ  
GRANDE BRETAGNE



Datum/Date

04. 11. 04

Zeichen/Ref./Réf. KRB/ <del>344965 EP</del> 344965 EP	Anmeldung Nr./Application No./Demande n°/Patent Nr./Patent No./Brevet n° 01937352.1-2411/US0115473
Anmelder/Applicant/Demandeur/Patent-inhaber/Proprietor/Titulaire Ewen, Henry, et al	

## COMMUNICATION

The European Patent Office herewith transmits the Supplementary partial European search report under Rule 48(1) EPC relating to the above-mentioned European patent application.

Copies of the documents cited in the search report are enclosed.

The applicant's attention is drawn to the following:

The search Division informs the applicant that if the European search report is also to cover inventions other than the invention first mentioned in the claims, a further search fee must be paid for each of these inventions, within ONE MONTH after notification of this communication.

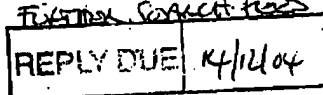
If the application has been filed up to 30 June 1999, the search fee in force before 01 July 1999 (EUR 869,-) or the equivalent applicable on the date of payment is payable.

This applies also to the search fees requested under Rule 46(1) EPC:

See also OJ EPO 08/1999, 405.

☐ The abstract was modified by the Search Division and the definitive text is attached to the present communication.

☒ Additional set(s) of copies of the documents cited in the European search report is (are) enclosed as well. (x1)



## Note to users of the automatic debiting procedure:

Unless the EPO receives prior instructions to the contrary, the search fee(s) will be debited on the last day of the period for payment. For further details see the Arrangements for the automatic debiting procedure, Supplement to OJ EPO 02/1999.

REGISTERED LETTER



European Patent  
Office

**SUPPLEMENTARY  
PARTIAL EUROPEAN SEARCH REPORT**  
under Rule 48, paragraph 1 of the European Patent  
Convention

Application Number

EP 01 93 7352

DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (Int.Cl.7)
X	US 6 026 086 A (LANCELOT ROBERT W ET AL) 15 February 2000 (2000-02-15) * figure 1 * * figure 5 * * column 1, line 17 - line 52 * * column 3, line 45 - column 5, line 18 * -----	1-8	H04J1/00 H04N5/445 H04B7/185 H04N7/24 H04L27/00
Y	US 5 970 386 A (WILLIAMS JIM C) 19 October 1999 (1999-10-19) * figure 1 * * figure 3 * * column 3, line 8 - line 16 * * column 3, line 53 - line 57 * * column 5, line 40 - line 59 * -----	9-28	
Y	WO 97/20413 A (NOKIA OY AB ; HAKULINEN HARRI (FI)) 5 June 1997 (1997-06-05) * abstract * * page 11, line 4 - line 27 * ----- -/-	9-28	
			TECHNICAL FIELDS SEARCHED (Int.Cl.7)
			H04N H04B H04L
<b>LACK OF UNITY OF INVENTION</b>			
The Search Division considers that the present European patent application does not comply with the requirements of unity of invention and relates to several inventions or groups of inventions, namely:			
see sheet B			
The present partial European search report has been drawn up for those parts of the European patent application which relate to the invention first mentioned in the claims.			
Place of search Munich		Date of completion of the search 18 October 2004	Examiner Draper, A
CATEGORY OF CITED DOCUMENTS		T : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document cited in the application L : document cited for other reasons ----- & : member of the same patent family, corresponding document	
X : particularly relevant if taken alone Y : particularly relevant if combined with another document of the same category A : technological background O : non-written disclosure P : intermediate document			

3  
EPO FORM 1523/03 03.02 (P.04/25)



# PARTIAL EUROPEAN SEARCH REPORT

Application Number

EP 01 93 7352

DOCUMENTS CONSIDERED TO BE RELEVANT			CLASSIFICATION OF THE APPLICATION (Int.Cl.7)
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	
A	<p>CLAUSEN H D ET AL: "INTERNET OVER DIRECT BROADCAST SATELLITES"            IEEE COMMUNICATIONS MAGAZINE, IEEE SERVICE CENTER. PISCATAWAY, N.J, US,            vol. 37, no. 6, June 1999 (1999-06), pages 146-151, XP000835291            ISSN: 0163-6804            * the whole document *</p> <p>EP 0 873 014 A (THOMSON MULTIMEDIA SA)            21 October 1998 (1998-10-21)            * column 1, line 19 - column 2, line 6 *            * column 6, line 21 - line 33 *</p>		<p>TECHNICAL FIELDS SEARCHED (Int.Cl.7)</p>



European Patent  
Office

LACK OF UNITY OF INVENTION  
SHEET B

Application Number  
EP 01 93 7352

The Search Division considers that the present European patent application does not comply with the requirements of unity of invention and relates to several inventions or groups of inventions, namely:

1. claims: 1-28

Systems and methods for data delivery where Internet data is transmodulated from a first modulation protocol to a second modulation protocol.

2. claims: 29-33

A method for routing Internet response data involving authenticating a device of an end-user, forwarding an IP source address associated with a transmission facility to the end-user device upon authentication, and receiving the Internet response data responsive to a data request of the end-user at the transmission facility.

The claims of group 1 concern transmodulation of Internet data in order to permit interworking of networks having disparate modulation protocols. The claims of group 2 relate to user authentication and addressing and routing in an Internet data transmission system. The claims of groups 1 and 2 relate to different technical problems and solve these different problems by means of different features. They only have in common the transmission of Internet data, which is known per se (see e.g. WO-A-97/20413). The two groups share no special technical feature within the meaning of Rule 30(1) EPC



**ANNEX TO THE EUROPEAN SEARCH REPORT  
ON EUROPEAN PATENT APPLICATION NO.**

EP 01 93 7352

This annex lists the patent family members relating to the patent documents cited in the above-mentioned European search report. The members are as contained in the European Patent Office EDP file on  
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18-10-2004

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 6026086	A	15-02-2000	AU 5030698 A	16-07-1998
			BR 9800233 A	29-06-1999
			DE 19756404 A1	09-07-1998
			GB 2321159 A	15-07-1998
			ID 20631 A	04-02-1999
US 5970386	A	19-10-1999	BR 9800493 A	20-03-2001
			JP 3472118 B2	02-12-2003
			JP 11088768 A	30-03-1999
			US 6493873 B1	10-12-2002
			US 6134419 A	17-10-2000
WO 9720413	A	05-06-1997	US 6216250 B1	10-04-2001
			FI 955773 A	31-05-1997
			AU 7698296 A	19-06-1997
EP 0873014	A	21-10-1998	WO 9720413 A1	05-06-1997
			FR 2762178 A1	16-10-1998
			CN 1198622 A	11-11-1998
			EP 0873014 A1	21-10-1998
			ID 20558 A	14-01-1999
			JP 10303798 A	13-11-1998
			ZA 9802906 A	09-10-1998

EPO FORM P0489

For more details about this annex : see Official Journal of the European Patent Office, No. 12/82

PTC/SB/08A (08-03)

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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 2

**Complete if Known**

Application Number	09/854,109
Filing Date	5/11/2001
First Named Inventor	Henry Ewen
Art Unit	2611
Examiner Name	GRANT, CHRISTOPHER
Attorney Docket Number	50136509-4

[illegible]

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear
		Country Code <sup>2</sup> Number <sup>4</sup> Kind Code <sup>3</sup> (if known)			
	3	EP 0 873 014	10-21-1998	THOMSON	
				MULTIMEDIA SA	
	4	WO 97/20413	06-05-1997	NOKIA OY AB	

Examiner's Signature	Date Considered
----------------------	-----------------

Signature: \_\_\_\_\_

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)		<b>Complete If Known</b>	
		Application Number	09/854,109
		Filing Date	5/11/2001
		First Named Inventor	Henry Ewen
		Art Unit	2611
		Examiner Name	GRANT, CHRISTOPHER
Sheet 2	of 2	Attorney Docket Number	50136509-4

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	5	Clausen H. D. et al: "Internet over direct broadcast satellites"; IEEE Communications Magazine; IEEE Service Center, Piscataway NJ, vol. 37 no 6; June 1999, pp 146-151.	

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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